

REMARKS

Claims 1, 4-5, 7-8, 10-11 and 15-18 stand rejected as anticipated by EPO 0156746 ("Ribbard"). Claims 3 and 12 stand rejected as obvious over Ribbard in view of U.S. Patent No. 5,205,082 ("Shendon '082"). Claims 6 and 9 stand rejected as obvious over Ribbard in view of U.S. Patent No. 5,635,083 (Breivogel '746). Claim 13 stands rejected for statutory double-patenting over claims 1-9 of U.S. Patent No. 6,024,630.

Claim 1 recites a passage supplying pressurized fluid, and an opening therein for fluid to flow from the passage to press the substrate against a polishing pad. Claim 15 recites directing a fluid through an opening in the backing member to press the substrate against a polishing pad.

In contrast, Ribbard teaches (page 3 of translation):

spindle 1 was hollowed out by a blind axial borehole 1b which is connected to a vacuum source and to which end a pipe is connected for supplying a depression low-pressure plate 10, the sample being maintained by aspiration.

In short, Ribbard teaches the opposite of the present claims. That is, Ribbard teaches that the recess is connected to a vacuum source and that the substrate is suctioned to plate 10, not that the fluid in the recess presses the substrate against a polishing pad. Consequently, claims 1 and 15, and the claims depending therefrom, should not be rejected for anticipation over Ribbard.

Shendon '082 also fails to teach a fluid contacting and pressing the substrate against a polishing pad, and therefore claims 1 and 15, and the claims depending therefrom, should not be rejected for obviousness over Ribbard in view of Shendon.

Breivogel '083 teaches a polishing head in which pneumatic pressure can be conveyed through passage 308 into chamber 309 above the backside of the wafer 310. However, Breivogel '083 fails to teach a backing member moveable relative to the polishing head housing, as required by claims 1 and 15.

The Examiner suggests that Breivogel would be combined with Ribbard because covering substantially the entire back surface would provide a stronger holding force during polishing. However, this does not make sense. If the region behind the substrate is pressurized,

a larger area would tend to force the substrate out of carrier, not hold the substrate in the carrier. Therefore, Applicant respectfully suggests that the Examiner has failed to provide a motivation to combine the teachings of Ribbard and Breivogel's, and therefore no prima facie case of obviousness has been made.

With respect the double patenting rejection of claim 13, claims 1-9 of U.S. Patent No. 6,024,630 fail to teach a passage supplying pressurized fluid and an opening for fluid to flow from the passage to press the substrate against a polishing pad, or directing a fluid through an opening in the backing member to press the substrate against a polishing pad. The Examiner is reminded that "When considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art" MPEP 804(II)(B)(1). The Examiner has not made any prima facie showing that claim 13 would be obvious over claims 1-9 of U.S. Patent No. 6,024,630.

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Respectfully submitted,

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